

Order

Michigan Supreme Court
Lansing, Michigan

September 17, 2010

Marilyn Kelly,
Chief Justice

140384(34)

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 140384
COA: 287034
Ingham CC: 08-000412-AR

SIRDAREAN ADAMS,
Defendant-Appellant.

On order of the Court, the motion for reconsideration of this Court's June 25, 2010 order is considered, and it is GRANTED. We VACATE our order dated June 25, 2010. On reconsideration, the application for leave to appeal the November 19, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and REMAND this case to the Court of Appeals for a new appeal. The defendant requested the appointment of appellate counsel in the district court while the prosecutor's interlocutory appeal was pending in the Court of Appeals, but counsel was not appointed until after the Court of Appeals issued its judgment on November 19, 2009. Consequently, the defendant was not represented by counsel during the prosecutor's interlocutory appeal. On remand, the defendant is entitled to appointed appellate counsel.

Davis, J., not participating. I recuse myself and am not participating because I was on the Court of Appeals panel in this case. See MCR 2.003(B).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 17, 2010

Corbin R. Davis

Clerk